IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5891 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

IOC LTD PO JAWAHARNAGAR - Petitioner(s)

Versus

GOVT OF INDIA, THROUGH SHRIBM DAVID, OR HIS SUCCESSOR & 3 - Respondent(s)

==========

Appearance :

MR MANISH R BHATT for Petitioner No(s).: 1.

RULE SERVED for Respondent No(s).: 1,2.
SERVED BY RPAD - (R) for Respondent No(s).: 1.
MR NR SHAHANI for Respondent No(s).: 3.
MR A.K. CLERK with MR. A.N. Shah for Respondent No(s).: 4.

==========

CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 24/08/2005

ORAL JUDGMENT

1.0 The petitioner Corporation has prayed to quash and set aside the order dated 11.01.2000 passed by respondent no.1 herein, referring the dispute in question, to the

Industrial Tribunal, Ahmedabad.

2.0 The brief facts of the case are that the petitioner herein is a Government of India Undertaking engaged in the production and marketing of petroleum products. Respondent no.3 herein, representing the workmen of the Contractors engaged by the petitioner Corporation, by letter dated 24.09.1999 addressed to the Executive Director of the petitioner Corporation's Refinery situated at Baroda, Gujarat, forwarded a Charter of Demands claiming certain demands.

2.1 On receipt of the said Charter of Demands, the petitioner Corporation addressed letter dated 02.12.1999 to respondent no.2 herein clarifying that the workmen in respect of whom the alleged industrial dispute has been raised by respondent no.3 herein are the workmen of the Contractors and not of the petitioner Corporation.

2.2 Thereafter, by letter dated 10.12.1999 addressed to the Conciliation Officer, respondent no.3 submitted a justification statement for demands in respect of 129 workmen. On 21.12.1999, the petitioner Corporation filed its submissions to the said justification statement filed

by the Union wherein it was pointed out that the Union was not consistent in its stand with regard to the number of labour contracts for whose cause the proceedings were initiated. Therefore, the Union filed writ petition being S.C.A.No.7590 of 1999 before this Court praying for certain reliefs. The said petition came to be disposed of vide order dated 05.11.1999. Against the said order, L.P.A No. 1974 of 1999 was preferred by the respondent Union which is pending.

2.3 Since failure report was submitted by the Conciliation Officer, ultimately, respondent no.1 herein made a reference, under the impugned order dated 11.01.2000, before the Industrial Tribunal, Ahmedabad, which came to be registered as Reference (IT) No. 4 of 2000. Hence, this petition.

3.0 Heard learned counsel for the parties. In view of the peculiar facts and circumstances of the case, it is desirable that the petitioner Corporation raises all the contentions before the Central Government Industrial Tribunal (for short, “the C.G.I.T.”) at Ahmedabad.

4.0 Accordingly, the matter is remanded to the C.G.I.T, Ahmedabad, for adjudication. It shall be open to the

petitioner Corporation to raise all the contentions that have been raised in this petition as well as the contentions that were raised before the Conciliation Officer. Since the Reference in question is of the year 2000, the C.G.I.T, Ahmedabad, is directed to expedite its hearing and to dispose of the same within a period of one year from the receipt of writ of this order.

4.1 It is clarified that this Court has not entered into the merits of the matter and the C.G.I.T while deciding the Reference in question in accordance with law shall keep in mind the principle laid down by the Apex Court in the case of ***Steel Authority of India Ltd. & ors v. National Union Waterfront Workers & ors reported in (2001) 7 S.C.C. pg.1***. It shall also be open to the respondents to raise their contentions and to produce decisions related to the subject matter before the C.G.I.T, Ahmedabad. With the above observations, the petition stands disposed of. Rule is discharged with no order as to costs. Interim relief granted earlier stands vacated.

(K. S. JHAVERI, J.)

pravin/ *